

"An act to amend Title 95 of the Revised Statutes, by adding thereto articles 4710a, 4710b, 4712a, 4748a, 4763a and 4765a, and by amending articles 4744, 4746, 4747, 4748 and 4761 so as to provide for a more thorough and efficient assessment of property and the collection of taxes thereon," was laid before the Senate, read second time and, on motion of Senator Burges,

Was postpone till to-morrow and was ordered printed.

#### SENATOR STINSON

Moved that a conference committee be appointed on Senate bill No. 141.

Adopted.

SENATORS STINSON, JARVIS AND FIELD

Were appointed on such committee on the part of the Senate.

#### SENATOR BELL

Moved that a conference committee be appointed on Senate bill No. 77.

Adopted.

SENATORS BELL, BURNEY, AND ABERCROMBIE

Were appointed on such committee on the part of the Senate.

On motion of Senator Bell

House bill No. 256,

"An act to compel railroad companies to provide double-decked cars for shipment of goats, seep, hogs and calves, and to prevent discrimination against shippers thereof, and to provide penalties therefor," was taken up and read second time.

#### SENATOR STINSON

Opposed the bill and Senators Bell, Armistead, Burney, Burges, Gregg and Douglass of Jefferson spoke in favor of the bill and it passed to third reading.

House bill No. 130: "An act to amend article 431, chapter 3, title 7, code of criminal procedure of an act to adopt and establish a penal code and code of criminal procedure of the State of Texas passed February 21, 1879, was laid before the Senate read second time and passed to third reading.

House Bill No. 211.

"An act to amend Articles 4604 and 4605 title 93 chapter 4, of the Revised

Statutes of the State of Texas, to provide for preventing certain animals from running at large in counties and subdivisions," was laid before the Senate, read second time and passed to third reading.

Substitute House bill No. 138

"An act to amend chapter 14, title 29, of the Revised Civil Statutes of Texas by adding thereto Article 1350a, providing when judgments shall become dormant and barred by limitations and when executions may issue thereon" was laid before the Senate and read second time.

#### SENATOR GLASSCOCK

Opposed and Senator Bell favored the bill.

On motion of Senator Burgess

The bill was postponed till to-morrow afternoon.

On motion of Senator Stinson

The senate adjourned till 10 o'clock to-morrow morning.

#### SIXTY-FIRST DAY.

SENATE CHAMBER, }

AUSTIN, TEXAS, March 22, 1887. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Terrell,

The reading of the Journal of yesterday was dispensed with.

#### REPORT OF STANDING COMMITTEES.

BY SENATOR FRANK:

COMMITTEE ROOM, }

AUSTIN, March 21, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed Bills have carefully examined and compared Senate joint resolution No. 20, amending Article 10, Section 2, of the Constitution of the State of Texas and find the same correctly engrossed.

FRANK, chairman.

COMMITTEE ROOM, }

AUSTIN, March 21, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 266, being

An act fixing the fee of jury commissioners for their services and the mode and manner of paying the same, and find the same correctly engrossed.

FRANK, chairman.

COMMITTEE ROOM, }  
AUSTIN, March 21, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 183, being:

"An act to prevent and punish drunkenness," and find the same correctly engrossed.

FRANK, chairman.

COMMITTEE ROOM, }  
AUSTIN, March 21, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 91, being:

"An act to amend Article 349, chapter 1, title 10, of the Code of Criminal Procedure, of the State of Texas," and find the same correctly engrossed.

FRANK, chairman.

COMMITTEE ROOM, }  
AUSTIN, March 21, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed bills have carefully examined and compared Senate bill No. 225, being:

"An act to amend Article 1420, chapter 20, title 29, of the Revised Civil Statutes of the State of Texas," and find the same correctly engrossed.

FRANK, chairman.

BY SENATOR GREGG.

COMMITTEE ROOM, }  
AUSTIN, March 22, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Internal Improvements, to whom was referred House bill No. 153, entitled,

"An act to require telegraph companies to deliver messages within a reasonable time, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass."

All of which is respectfully submitted.

GREGG, chairman.

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, March 22, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Internal

Improvements, to whom was referred House bill No. 438, entitled:

"An act to amend Article 4249 of the Revised Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

GREGG, chairman.

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, March 22, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Internal Improvements, to whom was referred House bill No. 345, entitled:

"An act to amend Articles 4257 and 4258, of the Revised Civil Statutes of the State of Texas, and to add thereto Articles 4257a, 4257b, 4257c, and 4257d, prescribing certain duties to be performed by railroad companies doing business in this State," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass with the accompanying amendments.

All of which is respectfully submitted.

GREGG, chairman.

Bill read first time.

AMENDMENTS TO HOUSE BILL NO. 345.

"In caption, strike out '4257c.'"

"In caption strike out '4257d.'"

"In section 2, strike out '4257c' and '4257d.'"

"Insert in Article 4257b, in line 8, after word 'destination': 'And no break of bulk, stoppage or interruption made by such common carrier, shall prevent the carriage of property from being treated as one continuous carriage from the place of shipment to the place of destination.'"

"Strike out 'Article 4257c.'"

"Strike out 'Article 4257d.'"

SPECIAL COMMITTEE REPORTS.

BY SENATOR FRANK:

COMMITTEE ROOM, }  
AUSTIN, March 22, 1887. }

To the Hon. T. B. Wheeler, President of the Senate and Hon. Geo. C. Pendleton, Speaker of the House of Representatives:

Sir—Your Conference Committee to whom was referred the differences be-

tween the two Houses concerning House bill No. 21, respectfully report that they have been unable to agree and ask for a free conference.

All of which is respectfully submitted.

FRANK,  
WOODS,  
BELL.

For Senate.

TATE,  
MOORE, of T.,  
BIARD.

For House.

On motion of Senator Frank,

The report of the committee was adopted.

SENATORS FRANK, WOODS AND BELL

Were appointed on free conference committee on the part of the Senate

## BILLS AND RESOLUTIONS.

BY SENATOR WOODS:

A bill to be entitled:

"An act to require county treasurers of the several counties of the State of Texas to report surplus of school fund to the Board of Education and to provide how the school fund shall be distributed and to prescribe penalties for failure to make such report."

Referred to Committee on Education.

The following message was received from the House:

HOUSE OF REPRESENTATIVES. }  
AUSTIN, TEXAS, March 22, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—I am instructed by the House to inform the Senate that the House has adopted the report of the conference committee on House bill 21, the house of correction and reformatory bill, and that the House has appointed Messrs. Tate, Moore of Travis, and Biard, as a free conference committee on said bill.

Respectfully,

WILL LAMBERT, secretary.

SENATOR DOUGLASS, OF GRAYSON,

Offered the following resolution:

Whereas, on the fifth day of March, a resolution passed the Senate authorizing the President of this body to appoint three special deputy sergeants-at-arms to summons witnesses for examination in the Willis investigation,

and said resolution was silent on the subject of per diem for said officers; therefore, be it

Resolved, That the pay of said sergeants-at-arms be fixed at \$5 per day, and actual traveling expense, while in the discharge of the duty assigned them.

Adopted.

SENATOR ARMISTEAD

Introduced a concurrent resolution authorizing the Governor, Comptroller, Treasurer, Commissioner of the General Land Office, and Attorney-General, constituting the State Capitol Board, to lease the Temporary Capitol building as soon as the departments and officers of the State government vacate said building and move into the new State Capitol."

Referred to the committee on Public Buildings and Grounds.

On motion of Senator Calhoun,  
Senate bill No. 336.

"An act to reorganize the twenty-ninth, thirty-first, thirty-second, thirty-third, thirty-fifth and thirty-ninth judicial districts and to create the forty-second judicial district of the State of Texas; and to fix the times of holding courts therein; and to provide for the appointment and election of judges and district attorneys in the thirty-second and forty-second judicial districts; and to repeal all laws and parts of laws in conflict herewith" was taken up and read third time.

SENATOR BELL

Moved to

Strike out of the caption and the bill all that refers to the twenty-ninth judicial district, and number the sections of the bill to conform thereto.

Adopted by the following vote:

YEAS—21.

Abercrombie,	Garrison,
Allen,	Glasscock,
Armistead,	Gregg,
Bell,	Jarvis,
Burges,	Knittle,
Calhoun,	Laue,
Claiborne,	Terrell,
Davis,	Upshaw,
Douglass of J,	Woods,
Douglass of G,	Woodward,
Frank,	

NAYS—none.

## ABSENT—8.

Burney,	McDonald,
Camp,	MacManus,
Field,	Simpkins,
Harrison,	Stinson.

## SENATOR BELL

Moved to amend section 10, so it shall read as follows:

Section 10. The forty-second judicial district of the State of Texas shall be composed of the counties of Comanche, Eastland, Stephens, Shackelford, Callahan and Taylor and terms of the district court shall be held annually therein as follows:

In the county of Comanche on the first Monday in February and on the third Monday in August and may continue in session four weeks.

In the county of Taylor on the fourth Monday after the first Monday in February and on the sixth Monday after the first Monday in August and may continue in session five weeks.

In the county of Callahan on the first Monday in February and on the eleventh Monday after the first Monday in August and continue in session three weeks.

In the county of Shackelford on the twelfth Monday after the first Monday in February and on the fourteenth Monday after the first Monday in August and may continue in session two weeks.

In the county of Stephens on the fourteenth Monday after the first Monday in February and on the sixteenth Monday after the first Monday in August and may continue in session two weeks.

In the county of Eastland on the sixteenth Monday after the first Monday in February and on the eighteenth Monday after the first Monday in August and may continue in session until the business is disposed of.

Adopted by the following vote.

## YEAS—22.

Abercrombie,	Garrison,
Allen,	Glasscock,
Armistead,	Gregg,
Bell,	Harrison,
Burges,	Jarvis,
Calhoun,	Knittle,
Claiborne,	Lane,
Davis,	Terrell,
Douglass of G,	Upshaw.
Douglass of J,	Woods.
Frank,	Woodward.

## NAYS—none.

## ABSENT—7.

Burney,	MacManus
Camp,	Simpkins.
Field,	Stinson.
McDonald,	

The bill was passed by the following vote:

## YEAS—22.

Abercrombie,	Garrison,
Allen,	Glasscock,
Armistead,	Gregg,
Bell,	Harrison,
Burges,	Jarvis,
Calhoun,	Knittle,
Claiborne,	Lane,
Davis,	Terrell,
Douglass of J,	Upshaw,
Douglass of G,	Woods,
Frank,	Woodward.

## NAYS—none.

## ABSENT—7.

Burney,	MacManus,
Camp,	Simpkins,
Field,	Stinson.
McDonald,	

On motion of Senator Terrell,

Senate joint resolution No. 26 was made the special order for to-morrow, after morning call, and from day to day till disposed of.

On motion of Senator Douglass of Jefferson,

Senate bill No. 272 was made the special order for Friday next after morning call, and from day to day till day till disposed of.

On motion of Senator Claiborne,

Senate joint resolution No. 25 was made the special order for Friday after morning call,

On motion of Senator Woodward,

Substitute Senate bill No. 244.

"An act to amend Article 3249 of chapter 2, and Articles 3293, 3294, 3295, 3296, 3304, 3306, 3307, 3308, 3310, 3312, 3327, 3329 and 3340 of chapter 4, title 54 of the Revised Civil Statutes of the State of Texas," was taken up, read third time and passed.

Senate bill No. 172.

The appropriation bill was laid before the Senate as unfinished business.

On motion of Senator Terrell,

The bill was laid on the table subject to call.

## THE PRESIDENT

## Referred

House bills Nos. 576 and 603.

To Committee on Counties and County Boundaries.

House bill No. 345.

To Committee on Internal Improvements.

House bill No. 602.

To Committee on Private Land Claims,

And

House bill No. 586.

To committee on Finance.

## THE PRESIDENT

## Gave notice of signing

Senate bill No. 114,

"An act authorizing wills and testaments and testamentary instruments of any character which have been probated in any other State or territory of the United States, to be recorded as muniments of title to real property in this State conveyed thereby;" and

Substitute Senate bill No. 44.

"An act to require railway corporations, when they fence their right-of-way, or where they have already fenced it, to have, or make certain crossings or openings therein, and to provide a penalty for the violation thereof."

On motion of Senator Armistead.

Senate bill No. 179.

"An act to confirm the exchange of the land commissioner of Texas, for the University of Texas, and to restore the rejected blocks of land to the public domain," the special order was taken up with amendment pending.

The amendment was adopted and the bill was ordered engrossed.

On motion of Senator Woods,

Senators Camp, McDonald and Simkins were excused for the day on account of important committee work.

On motion of Senator Frank,

Senator Field was excused for the day.

On motion of Senator Douglass, of Jefferson,

Senate bill No. 37,

"An act to amend an act for the relief of Z. C. Collier, Thomas Collier and Wm. Ramer, passed by the Nineteenth Legislature of the State of Texas," was taken up and read second time.

## SENATOR ARMISTEAD

Offered a substitute for the bill, the caption of which is as follows:

A bill to be entitled:

"An act to validate the locations of surveys of land made by virtue of certificate issued under an act entitled 'an act granting a land certificate of 1280 acres to each of the surviving soldiers of the Texas revolution, and the surviving signers of the declaration of Texas Independence, and to the surviving widows of such soldiers and signers, and to the widows of those who fell at the Dawson massacre, etc.,' approved March 15, 1881, and also under an act entitled an act granting to persons who have been permanently disabled by reason or wounds received while in the service of this State, or of the Confederate States, a land certificate for 1280 acres of land, approved April 9, 1881."

## SENATOR ARMISTEAD

Spoke in favor of the substitute.

SENATORS BELL AND DOUGLASS, OF JEFFERSON,

Opposed the substitute and spoke in favor of the bill.

## SENATOR BELL

Raised the point of order that the substitute was not germane to the subject of the bill, and was therefore out of order.

The point of order was sustained and the substitute was ruled out of order.

The bill was ordered engrossed by the following vote:

## YEAS—16.

Abercrombie,	Douglass of J,
Armistead,	Douglass of G,
Bell,	Glasscock,
Burges,	Gregg,
Burney,	Lane,
Calhoun,	Terrell,
Claiborne,	Upshaw,
Davis,	Woodward.

## NAYS—7.

Allen,	Jarvis,
Frank,	Knittle,
Garrison,	Woods.
Harrison,	

## ABSENT—2.

MacManus,	Stinson.
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## SENATOR GREGG

Sent up the following privileged report.

COMMITTEE ROOM, }  
AUSTIN, March 22, 1887 }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Enrolled Bills have carefully examined and compared substitute Senate bill No. 44,

"An act to require railway corporations when they fence their right of way, or when they have already fenced it, to leave or make certain crossings or openings therein; and to provide a penalty for the violation hereof, and find the same correctly enrolled, and have this day, at 10:40 o'clock a. m., presented the same to the governor for his signature."

GREGG, acting chairman.

COMMITTEE ROOM, }  
AUSTIN, March 22, 1887 }

Hon. T. B. Wheeler, President of the Senate.

Sir—Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 114 being,

"An act authorizing wills and testaments, and testamentary instruments of any character which may have been probated in any other State or Territory of the United States, to be recorded as muniments of title to real property in this State, conveyed thereby," and find the same correctly enrolled, and have this day, at 10:40 o'clock a. m., presented the same to the Governor for his signature.

GREGG, acting chairman.

On motion of Senator Lane,

Senate bill No. 43,

"An act to amend Article 4822, title 97, of the Revised Civil Statutes of the State of Texas," was taken up and read second time with committee substitute.

On motion of Senator Lane the substitute was adopted:

## SENATOR LANE

Moved to amend by adding section 2, which shall read as follows:

"The near approach of the close of the present session creates an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days, be suspended," and it is so enacted.

Adopted.

The bill as amended was passed to engrossment.

On motion of Senator Lane the constitutional rule was suspended, and the bill was placed on its third reading and final passage by the following vote:

## YEAS—22.

Abercrombie,	Garrison,
Allen,	Glasscock,
Armistead,	Gregg,
Bell,	Harrison,
Burney,	Jarvis,
Calhoun,	Knittle,
Claiborne,	Lane,
Davis,	Terrell,
Douglass of G,	Upshaw,
Douglass of J,	Woods,
Frank,	Woodward.

## NAYS—none.

## ABSENT—3.

Burges,	Stinson.
MacManus,	

On motion of Senator Garrison,  
Senate bill No 269

"An act to amend chapter 4, title 17, of the Revised Civil Statutes of the State of Texas by adding Article 410a," was taken up and read second time.

## SENATOR ABERCROMBIE

Moved to amend by adding

Section 2. The near approach of the close of the session creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and it is so suspended.

Adopted.

The bill as amended was passed to engrossment.

On motion of Senator Garrison, the constitutional rule was suspended and the bill was placed on its third reading and final passage by the following vote:

## YEAS—26.

Abercrombie,	Garrison,
Allen,	Glasscock,
Armistead,	Gregg,
Bell,	Harrison,
Burges,	Jarvis,
Burney,	Knittle,
Calhoun,	Lane,
Camp,	McDonald,
Claiborne,	Simkins,
Davis,	Terrell,
Douglass of J,	Upshaw,
Douglass of G,	Woods,
Frank,	Woodward.

NAYS—none.

ABSENT—2.

MacManus, Stinson,

The bill was read third time and passed.

On motion of Senator Frank,  
Senate bill No. 216.

"An act to amend chapter 31, of the acts of the Eighteenth Legislature, approved March 3, 1883," was taken up and read second time with committee amendments.

On motion of Senator Frank,

The first committee amendment was Adopted.

On motion of Senator Lane,

The second committee amendment was

Rejected and lost.

As amended the bill was ordered engrossed.

#### THE PRESIDENT

Gave notice of signing

House bill No. 53.

"An act to amend Article 324, title 10, chapter 1, Penal Code,"

And,

House bill No. 73,

"An act to amend Article 165, chapter 4, title 6 of the Penal Code of the State of Texas."

And,

House bill No. 124,

"An act to amend Article 3635, title 73 of the Revised Civil Statutes"

On motion of Senator Harrison,

Senate bill No. 220,

"An act to carry into effect section 5, article 10 of the Constitution of the State of Texas, and to prescribe a penalty for the violation thereof," was taken up and read second time.

#### SENATOR HARRISON

Moved to amend the caption by inserting after the word "Texas" the following: "Prohibiting the consolidation of parallel or competing railroads."

Adopted.

#### SENATOR HARRISON

Moved to amend by adding sections 5 and 6 to bill.

Section 5. Indictments and prosecutions under the provisions of this act may be found and made, in any county through or into which the line of such road may run, and it shall be the

duty of district judges to charge the grand juries upon this law the same as in other cases.

Section 6. Whereas there is no law enforcing the above provision of the Constitution, nor

Whereas. The near approach of the close of this session of the legislature renders it impracticable to read this bill on three several days creates an imperative public necessity, that Constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Adopted.

#### SENATOR LANE

Moved to amend by adding after the word "as," in line 9, section 1, the words "or become an."

Adopted.

#### SENATOR DOUGLASS

Moved to strike out section 4 of the bill.

SENATOR HARRISON, GREGG, M'DONALD AND SIMPKINS

Opposed the motion to strike out, and Senators Burges, Upshaw, Bell, Lane, Calhoun, Terrell and Woods favored the motion.

#### SENATOR GLASSCOCK

Moved to amend section 4, by adding thereto the following words:

Provided the provisions of this act shall not apply to railroad companies which were chartered or in existence before the adoption of section 5, Article 10 of the present Constitution."

#### SENATORS GLASSCOCK AND LANK

Favored the amendment

And

SENATORS DOUGLASS OF JEFFERSON, TERRELL AND M'DONALD

Opposed the amendment.

The amendment was lost by the following vote:

YEAS—3.

Burney, Lane,  
Glasscock,

NAYS—23.

Abercrombie, Garrison,  
Allen, Gregg,

Armistead,	Harrison,
Bell,	Jarvis,
Burges,	Knittle,
Calhoun,	McDonald,
Camp,	Simkins,
Claiborne,	Terrell,
Davis,	Upshaw,
Douglass of J,	Woods,
Douglass of G.	Woodward.
Frank,	

ABSENT—2.

MacManus, Stinson.

SENATOR TERRELL, BURGESS AND CALHOUN

Argued in opposition to the bill, and

SENATORS SIMKINS AND GREGG

Spoke in favor of the bill.

The motion to strike out section 4 was

Adopted by the following vote:

YEAS—16.

Bell,	Glasscock,
Burges,	Jarvis,
Burney,	Knittle,
Calhoun,	Lane,
Davis,	Terrell,
Douglass of G.	Upshaw,
Douglass of J,	Woods,
Garrison,	Woodward.

NAYS—10.

Abercrombie,	Frank,
Allen,	Gregg,
Armistead,	Harrison,
Camp,	McDonald,
Claiborne,	Simkins,

ABSENT—2.

McManus, Stinson.

SENATOR WOODWARD

Moved to strike out all of section 2, after the word act, in line 4, and insert in lieu thereof the words "shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding five thousand dollars."

SENATOR GLASSCOCK,

By leave, sent up

A bill to be entitled:

"An act to regulate prosecutions and civil suits for damages."

Referred to judiciary committee No. 1.

On motion of Senator Abercrombie the Senate adjourned till 3 o'clock p. m.

## AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

House bill No. 126.

"An act to amend Articles 963 and 964, and to create Article 964a, title 24, of the Revised Statutes, so as to require the payment of interest on registered claims against counties," was laid before the Senate and read third time.

SENATORS ARMISTEAD AND STINSON

Spoke against the bill and it was lost by the following vote:

YEAS—none.

NAYS—24.

Abercrombie,	Gregg,
Allen,	Harrison,
Armistead,	Jarvis,
Bell,	Knittle,
Burges,	Lane,
Burney,	McDonald,
Calhoun,	Simkins,
Camp,	Stinson.
Davis,	Terrell,
Douglass of J,	Upshaw,
Frank,	Woods,
Glasscock,	Woodward.

ABSENT—3.

Douglass of G,	MacManus.
Garrison,	

On motion of Senator McDonald,

The vote by which the resolution offered by Senator Douglass of Grayson was, this morning adopted, was reconsidered.

SENATOR M'DONALD

Moved to

"Amend the resolution by striking out '\$5,' and inserting in lieu thereof '\$3.50'"

Adopted, and, as amended, the resolution was

Adopted.



## SENATOR FRANK

Sent up the following privileged reports:

COMMITTEE ROOM, }  
AUSTIN, March 22, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 216, being:

"An act to amend chapter 31, of the acts of the Eighteenth Legislature, approved March 3, 1883; being an act to provide for the payment of fees to county judges and justices of the peace, sheriffs, constables, district and county attorneys and district clerks for services rendered in certain felony cases," find the same correctly engrossed.

FRANK, chairman.

COMMITTEE ROOM, }  
AUSTIN, TEXAS, March 21, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 321, being,

"An act to amend Article 703, chapter 5, title 22, of the Revised Civil Statutes of the State of Texas," and find the same correctly engrossed.

FRANK, chairman.

The following message was received from the House.

HOUSE OF REPRESENTATIVES. }  
AUSTIN, March 23, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—I am instructed by the House to inform the Senate of the passage of the following bills:

House bill No. 544,

"An act to incorporate the Protection Hose Company No. 3, of the fire department of the City of Austin."

Also,

House bill No. 595,

"An act to amend Article 352, title 17, chapter 2, of the Revised Civil Statutes of Texas, as amended by the act approved April 6, 1880."

WILL LAMBERT,

Chief Clerk House Representatives.

## SENATOR ABERCROMBIE

entered a motion to reconsider the vote by which the amendment to strike out lines 22 and 23, of

Senate bill No. 172,

Under Comptroller's Department, was lost.

## House bill No. 129.

"An act to amend Article 339, chapter 4, title 19, of the Penal Code," was taken up read third time and passed.

## Senate bill No. 149.

"An act to diminish the civil and criminal jurisdiction of the county courts of Orange and Concho counties, and to conform the jurisdiction of the district courts of said counties to said change," was laid before the Senate with House amendments.

## SENATOR BURNEY

Moved to

"Amend by inserting the county of Mason."

Adopted.

On motion of Senator Douglass of Jefferson,

The Senate concurred in the House amendments as amended.

## SENATOR STINSON

Offered the following resolution:

"Be it resolved, By the Senate of Texas, that no new bills hereafter introduced, shall be considered by the Senate during its present session."

Ordered to lie over one day under the rules.

## House bill No. 130,

"An act to amend Article 431, chapter 3, title 7, Code of Criminal Procedure of an act to adopt and establish a Penal Code and Code of Criminal Procedure of the State of Texas, passed February 21, 1870, was laid before the Senate, read third time and passed.

## House bill No. 211,

"An act to amend Articles 4604 and 4605, title 93, chapter 4, of the Revised Statutes of the State of Texas, to provide for preventing certain animals from running at large in counties and subdivisions," was laid before the Senate, read third time and passed.

## House bill No. 330,

"An act to amend Article 1512, chapter 1, title 31, of the Revised Civil Statutes of the State of Texas," was laid before the Senate, read the third time and passed.

## THE PRESIDENT

Referred House bills Nos. 554 and 595 to Judiciary Committee No. 1.

On motion of Senator Frank,

House bill No. 499,

"An act for the relief of J. B. Early, and to validate bounty land certificate No.

831, and the survey may by virtue thereof, issued by Ben. F. Hill, Adjutant General of Texas, on the twenty eighth day of May, 1851, for 240 acres of land, to Henry W. Ward, the said J. B. Early being now the owner of said certificate," was taken up and read second time with committee amendment

On motion of

SENATOR FRANK,

The committee amendment was adopted, and the bill was passed to third reading.

On motion of Senator Frank,

The constitutional rule was suspended, and the bill was placed on its third reading and final passage by the following vote:

YEAS—22.

Abercrombie,	Gregg,
Allen,	Jarvis,
Armistead,	Knittle,
Bell,	Lane,
Burney,	McDonald,
Calhoun,	Simkins,
Camp,	Stinson,
Claiborne,	Terrell,
Davis,	Upshaw,
Douglass of J.	Woods,
Frank,	Woodward.

NAYS—1.

Harrison.

ABSENT—5.

Burges,	Glasscock,
Douglass of G,	MacManus.
Garrison.	

The bill was read third time and passed by the following vote:

YEAS—18.

Abercrombie,	Frank,
Allen,	Gregg,
Armistead,	Jarvis,
Bell,	Knittle,
Burney,	Lane,
Calhoun,	Stinson,
Claiborne,	Terrell,
Davis,	Upshaw,
Douglass of J,	Woodward.

NAYS—5.

Camp,	Simkins,
Harrison,	Woods,
McDonald,	

ABSENT—5.

Burges,	Glasscock,
Douglass of G,	McManus,
Garrison.	

By leave Senator Terrell sent up the following report:

COMMITTEE ROOM, }  
AUSTIN, TEXAS, March, 1887. }

Hon. T. F. Wheeler, President of the Senate.

Sir—Your Judiciary Committee No. 1, to whom was referred House bill No. 595, entitled:

"An act to amend Article 352, of the Revised Civil Statutes," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill seeks a re-enactment of that Article of the Revised Civil Statutes.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

On motion of Senator Harrison.

The constitutional rule was suspended and the bill (House bill No. 595) was placed on its second reading by the following vote:

YEAS—22.

Abercrombie,	Glasscock
Allen,	Gregg,
Armistead,	Harrison,
Bell,	Jarvis,
Burney,	Knittle,
Calhoun,	Lane,
Camp,	Simkins,
Claiborne,	Stinson,
Davis,	Terrell,
Douglass of J,	Woods.
Frank,	Woodward.

NAYS—none.

ABSENT—6.

Burges,	McDonald,
Douglass of G,	MacManus,
Garrison,	Upshaw.

The bill was read second time.

SENATOR STINSON

Moved to amend by saying:

That all vacancies of any city officer shall be filled by an election.

SENATOR STINSON

Spoke in favor of the amendment  
And

SENATORS HARRISON, BURNLEY AND  
TERRELL

Opposed the amendment and it was lost.

## SENATOR GLASSCOCK

Moved to

Amend by adding: Provided no election shall be held to fill any vacancy which occurs in any of said officers thirty days before the time of such office expires.

## SENATOR GLASSCOCK

Favored, and

## SENATOR HARRISON

Opposed the amendment.

It was lost.

The bill was passed to third reading by the following vote:

## YEAS—15.

Abercrombie,	Harrison,
Allen,	Jarvis,
Armistead,	McDonald,
Bell,	Simkins,
Camp,	Terrell,
Davis,	Upshaw,
Douglass of J,	Woodward.
Frank,	

## NAYS—8.

Burney,	Knittle,
Calhoun,	Laue,
Claiborne,	Stinson.
Gregg,	Woods,

## ABSENT—5.

Burges,	Glasscock,
Douglass of G,	MacManus,
Garrison,	

## SENATOR FRANK

Sent up the following privileged report:

COMMITTEE ROOM. }  
AUSTIN, March 22, 1887. }

Hon. T. B. Wheeler, President of the Senate.

Sir—Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 269, entitled:

"An act to amend chapter 4, title 17, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 410a," and find the same correctly engrossed.

FRANK, chairman.

On motion of Senator Bell,  
House bill No. 257:

An act to amend Article 378, chapter 6, title 11 of the Penal Code of the State of Texas and to add Article 378a, 378b, 378c, 378d, 378e and 378f to said chapter and

title, prohibiting the unlawful selling of intoxicating liquors and defining and prohibiting "blind tiger," and providing rules of evidence and penalties therefor, was taken up and read second time with eight committee amendments.

The first, second and third committee amendments were adopted.

## SENATOR BELL

Moved to amend the fourth committee amendment as follows:

Amend by adding, after the word "prescription," and before the words "nor shall any person," in line 2 of the second subdivision of Article 378a, the words, "or upon a prescription which has been cancelled

Adopted.

The fourth committee amendment, as amended, was adopted.

## SENATOR BELL

Moved to amend fifth committee amendment by adding before the first word of the amendment, "amend by striking out Article 378b and inserting in lieu thereof."

Adopted.

The fifth committee amendment, as amended was adopted.

## SENATOR BELL

Moved to amend sixth committee amendment by adding before the first word of the amendment, "amend by striking out Article 378c and adding in lieu thereof."

Adopted.

The sixth committee amendment as amended was adopted.

## SENATOR BELL

Moved to amend Senate committee amendment by adding before the first word of the amendment, "amend by striking out Article 378d and inserting in lieu thereof".

Adopted.

## SENATOR CALHOUN

Moved to insert after the word "from" in line five, section two, the words, "or unknown to".

## SENATORS BELL AND STINSON

Opposed, and

## SENATOR CALHOUN

Favored the amendment.

It was lost by the following vote:

## YEAS—7.

Allen,	Knittle,
Burney,	Lane,
Calhoun,	Woodward.
Gregg,	

## NAYS—17.

Abercombie,	Harrison,
Armistead.	Jarvir,
Bell,	McDonald,
Camp,	Sinkins,
Claiborne,	Stinson,
Davis,	Terrell,
Douglass of J.,	Upshaw,
Frank,	Woods.
Glasscock,	

## ABSENT—4.

Burges,	Garrison,
Douglass of G.,	MacManus.

The seventh committee amendment, as amended, was adopted.

## SENATOR BELL

Moved to amend eighth committee amendment by adding before the first word of the amendment

"Amend by striking out Article 378e and inserting in lieu thereof."

Adopted.

## SENATOR LANE

Moved to

Amend by striking out all after the word "force" in the eighth amendment.

## SENATOR BELL

Opposed the amendment and

## SENATOR LANE

Favored it.

Senator Claiborne in the chair.

## SENATOR GREGG

Offered the following substitute for the amendment:

Strike out all after "force," and insert in lieu thereof "and the fact that a person purchases intoxicating liquor from any one who sells it in violation of the provisions of this chapter, shall not constitute such person an accomplice."

Accepted, and adopted as part of the committee amendment.

(The President in the chair.)

## SENATOR DOUGLASS OF JEFFERSON

Moved to strike out all in eighth, 378e, down to and including the word "force," in line eight of amendment.

## SENATOR BELL

Opposed the amendment, and Senators Douglass of Jefferson, Burges and Gregg favored the amendment.

## SENATOR BURNLEY

Moved to adjourn till 9 30 o'clock tomorrow morning.

## SENATOR WOODS

Moved to adjourn till 10 o'clock tomorrow morning.

## SENATOR LANE

Moved to adjourn till 8 o'clock this evening.

The motion to adjourn till the longest time off was put first and adopted, and the Senate adjourned till 10 o'clock tomorrow morning.

## SIXTY-SECOND DAY.

SENATE CHAMBER, }  
AUSTIN, March 23, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Swoot.

On motion of Senator Woodward

The reading of the Journal of yesterday was dispensed with.

## PETITIONS AND MEMORIALS.

## BY SENATOR WOODWARD

Petition of the New York, Texas & Mexican railway company asking that a law be enacted authorizing the issuance to them of 416 sections of land.

Referred to Committee on Private Land Claims.

## BILLS AND RESOLUTIONS.

## BY SENATOR WOODWARD:

A bill to be entitled:

"An act authorizing and directing the Commissioner of the General Land Office to issue to the New York, Texas and Mexican railway company certificates for 416 sections of lands."

Referred to Committee on Private Land Claims.

The following message was received from the House: